

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

In re:

Chapter 13

Donald E. Eischeid

Case No. 9-15-bk-07941-FMD

Debtor

**TRUSTEE'S UNFAVORABLE RECOMMENDATION
AND OBJECTIONS TO CONFIRMATION OF THE PLAN**

TO: Clerk, United States Bankruptcy Court

1. The Debtor's Petition for Relief to Chapter 13 was filed on July 31, 2015.
2. Trustee's Recommendation to the Court. The Trustee cannot recommend confirmation of the Chapter 13 Plan at this time for the following reason(s):
 3. It does not appear that the Debtor has dedicated all disposable income to the proposed Plan as required by 11 U.S.C. § 1325(b)(1)(B).
 - a. The Trustee hereby requests/has requested the following additional documents to determine if the Debtor has dedicated all disposable income to the Plan:

2014 income tax returns
Profit and Loss statements from July 2015 through December 2015
 - b. The Debtor must provide complete copies of all tax return(s) to the Trustee's office no later than April 15th of each year for the preceding year's taxes and all tax refunds must be committed to the plan for each year during the applicable plan period, beginning with the tax year 2015. The Debtor should not spend ANY tax refund without prior court approval because they may be required to turn over the refund to the Trustee in addition to regular plan payments.
 4. The Plan violates 11 U.S.C. § 1325(a)(4) because it does not pay unsecured creditors the value of what they would receive in a case under Chapter 7.
 - a. The Trustee hereby requests/has requested the following additional documents to determine if the Debtor has met the best interests of creditors test:

2015 income tax returns
valuation of semi truck
 - b. The Debtor has not listed the following property on:

Schedule B: correct value of semi truck of \$24,000.00

5. The Debtor's Schedule C must be amended to correct the overstated value of Debtor's exemptions.

6. It appears that this case is a business case and the Chapter 13 Trustee's office has and may further investigate the Debtor's business.

/s/ Jon M. Waage
Jon M. Waage
Chapter 13 Standing Trustee
P.O. Box 25001
Bradenton, Florida 34206
Phone: (941) 747-4644
FAX: (941) 750-9266

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Trustee's Unfavorable Recommendation and Objections to Confirmation of the Plan has been furnished electronically and/or by First Class US Mail to **Donald E. Eischeid**, 2119 Fitch Avenue, Alva FL 33920 and **Edward R. Miller, Esquire**, 2430 Shadowlawn Drive, Suite 18, Naples FL 34112, and the **U.S. Trustee**, 501 East Polk Street, Suite 1200, Tampa, Florida 33602 on this 21st day of September, 2015.

/s/ Jon M. Waage

JMW/MEC/lp